

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
WEDNESDAY, APRIL 4, 1984

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Wednesday, April 4, 1984 in the City Hall Council Chambers.

ROLL CALL Present: Council Members - Murphy, Pinkerton, Reid, and Snider (Mayor Pro Tempore)

Absent: Council Members - Olson

Also Present: City Manager Graves, Assistant City Manager Glenn, Community Development Director Schroeder, Public Works Director Ronsko, City Attorney Stein, and City Clerk Reimche

INVOCATION The invocation was given by Reverend Richard Lundgren, First United Methodist Church

PLEDGE The Pledge of Allegiance was led by Mayor Pro Tempore Snider

PRESENTATIONS Victor F. Brewer, Hospital Administrator for the Lodi Community Hospital, Phil Barnes, and Dr. James Ahearn presented a presentation on that hospital's new Chemical Dependency Rehabilitation Program.

CONSENT CALENDAR

REPORTS OF THE CITY MANAGER In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pinkerton, Reid second, approved the following actions hereinafter set forth.

CLAIMS CLAIMS WERE APPROVED IN THE AMOUNT OF \$1,648,858.21

MINUTES THE MINUTES OF FEBRUARY 15, 1984, MARCH 7, 1984, AND MARCH 21, 1984 WERE APPROVED AS WRITTEN.

ACCEPT IMPROVE- COUNCIL ACCEPTED THE IMPROVEMENTS IN "HUTCHINS STREET SQUARE UTILITY UNDERGROUNDING" AND DIRECTED THE PUBLIC WORKS DIRECTOR TO FILE A NOTICE OF COMPLETION THEREON.

STREET SQUARE TELEPHONE UNDERGROUNDING The subject contract was awarded to Deats, Inc. of Stockton on November 16, 1983, in the amount of \$18,358.35. The contract has been completed in substantial conformance with the plan and specifications approved by the City Council.

COUNCIL ADOPTED RESOLUTION NO. 84-037 WHICH:

1. Approves the filing of an application for land and water conservation fund assistance;
2. Certifies that the agency can finance 100% of the project with 50% reimbursed from LWCF;
3. Certifies the project is compatible with the Land Use Plans; and
4. Appoints the Public Works Director as agent for the City to conduct all negotiations and execute the necessary documents.

RES. NO.
84-037

This application is for funds to used in the development of the playground and picnic facilities at Salas Park. Matching funds are a available from a 1980 State Park Bond Fund. This is only as application for funds, not a guarantee of funding.

Continued April 4, 1984

DESTRUCTION OF
CERTAIN PUBLIC
WORKS RECORDS .
APPRVD

COUNCIL ADOPTED RESOLUTION NO. 84-038 APPROVING THE DESTRUCTION OF CERTAIN PUBLIC WORKS RECORDS FOLLOWING AUTHORIZATION BY THE CITY ATTORNEY PURSUANT TO STATE LAW.

RES. NO.84-038

SUMMERFIELD
SUBDIVISION
AGREEMENTS
AND MAP
APPROVED

COUNCIL APPROVED THE FINAL MAP AND THE AGREEMENTS FOR THE SUMMERFIELD SUBDIVISION CONDITION UPON THE RECEIPT OF THE INSURANCE CERTIFICATE AND DIRECTED THE CITY MANAGER AND CITY CLERK TO EXECUTE THE SUBDIVISION AGREEMENT AND MAP ON BEHALF OF THE CITY.

Council was apprised that Mr. Norbert Schlenker, the developer of Summerfield, has furnished the City with the necessary agreements, improvement securities and fees for the proposed subdivision. (The insurance company has mailed the certificate; however, at this writing it is not in our office). This is a 51-lot subdivision located on the east side of Church Street, across from Cherry Tree Subdivision. The zoning is R2 and the subdivision contains approximately 7.9 acres.

PUBLIC HEARINGS

Notice thereof having been published in accordance with law and affidavit of publication being on file in the office of the City Clerk, Mayor Pro Tempore Snider called for the Public Hearing for the purpose of hearing protests to the proposed acquisitions and improvements, etc. in the Lodi United Downtown Assessment District Beautification Project.

LODI UNITED
DOWNTOWN
ASSESSMENT
DISTRICT

RES.NOS.
84-039

The subject was introduced with a report by Timothy J. Hachman, Bond Attorney.

84-040

Mr. Hachman's report was followed by a report by the project architects-Lodi Design Group.

84-041

Mr. Terry Piazza, the project engineer also provided a report regarding the project.

84-042

City Clerk Reimche reported that the following written protests had been received:

- a) Mr. and Mrs. Jerry Ballard - Parcel No. 043-035-14
- b) C.H. Blewett Parcel No. 043-046-12 and 043-046-11
- c) J.W. Schultz, President of the Odd Fellows Association Parcel No. 043-032-01 and 043-032-02 of Lodi
- d) Richard Colvin, Treasurer of the Odd Fellows Association of Lodi
- e) Edwin O. Dammel Parcel No. 043-026-16
- f) Ozzie Pidde, President Lodi Senior Citizens Club Parcel No. 043-024-07
- g) Peter E. Gianini and Antonette Ferrero Parcel No. 043-028-05
- h) Burdette DeJong Partner DeJong Ins. Parcel No. 043-022-07

- i) Viola Reiswig Parcel No. 043-031-05
- j) Harry Wiebe, Manager
Cal Gas, Lodi Parcel No. 043-033-03
- k) James E. Flaherty, Secretary
Lodi Aerie No. 848,
Fraternal Order of Eagles Parcels No. 043-036-15

Also addressing the Council regarding the subject was J. Paul Dumont, Senior Vice President, Wulff, Hansen and Co. Mr. Dumont responded to questions regarding the proposed district and the financing thereof.

The following persons spoke on behalf of the proposed Assessment District:

- a) Fred Weybret, 125 N. Church Street. Lodi
- b) Terry Knutson, 213 S. School Street, Lodi
- c) Jack Bowen, 218 S. School Street, Lodi
- d) Biff Baffoni, 118 W Oak Street, Lodi
- e) Mike Lapenta, 1718 E. Edgewood Drive, Lodi
- f) Pastor Richard Lundgren, First United Methodist Church
- g) Ann Meyer, Sacramento and Pine Street property owner

The following persons spoke in opposition

- a) Mr. Vass, representing the Lodi Senior Citizens Club
113 N. School Street Parcel No. 043-024-07
- b) Mr. Mark Stevens representing Viola Reiswig,
13 N. Church Street Parcel No. 043-031-05
- c) Mr. Jim Flaherty, representing the Fraternal Order of
Eagles Parcel No. 043-036-16
21 W. Oak St.
- d) Mr. Lloyd Jentoff Parcel No. 043-048-01
216 and 228 S. Sacramento St.
- e) Mr. Ed DeJong Parcel No. 043-022-07
101 N. Church St.
- f) Mr. C. H. Blewett Parcel No. 043-046-11 and
221 & 229 S. Sacramento St. 043-046-12
- g) Ms. Lola Roberts Parcel No. 043-024-02
118 N. Church Street
- h) Albert Barone Parcel No. 043-026-10
11 W. Elm Street

There being no other persons wishing to speak on the matter, the public portion of the hearing was closed.

It was determined that an 8.72% protest of the square footage within the district had been received.

Following additional discussion, on Motion of Council Member Reid, Murphy second, Council adopted the following Resolutions by unanimous vote of all members of the Council present:

- a) Resolution No. 84-039 - A Resolution Ordering
Reduction to Assessments and Directing Amendment

- b) Resolution No. 84-040 - A Resolution Awarding the contract for the Lodi United Downtown Assessment District Beautification Project to Claude C. Wood Company.
- c) Resolution No. 84-041 - A Resolution Awarding the Sale of Bonds.
- d) Resolution No. 84-042 - A Resolution determining convenience and necessity, adopting engineer's report, as amended, confirming assessments, and ordering the work and improvements.

RECESSES

Mayor Pro Tempore Snider declared five minute recesses at 10:10 pm and 10:30 pm during the heretofore referred to Public Hearing.

PUBLIC HEARING

ORDER 083-05

ADOPTED VACATING
EASEMENT LOCATED
AT LOT 2 MAXWELL
INDUSTRIAL PARK

Notice thereof having been published and posted in accordance with law and affidavits of publication and posting being on file in the office of the City Clerk, Mayor Pro Tempore Snider called for the Public Hearing to consider the vacation of an easement located at Lot 2, Maxwell Industrial Park.

The matter was introduced by Staff. Diagrams of the subject area were presented for Council's perusal.

Council was informed that the Planning Commission at its March 26, 1984 meeting had determined that no public need existed and recommended that the City Council abandon 3 feet of an 8 foot public utility easement along the north line of Lot 2, Maxwell Industrial Park.

There were no persons in the audience wishing to speak on the matter, and the public portion of the hearing was closed.

On motion of Council Member Pinkerton, Murphy second, Council adopted Order No. 083-05 vacating an easement located at Lot 2, Maxwell Industrial Park pursuant to the recommendation of the Planning Commission.

PLANNING
COMMISSION

City Manager Graves gave the following report of the Planning Commission Meeting of March 26, 1984.

ACTION ITEMS

The Planning Commission

1. Determined that no public need existed and recommended that the City Council abandon 3 feet of an 8 foot public utility easement along the north line of Lot 2, Maxwell Industrial Park.

ITEMS OF
INTEREST

The Planning Commission Also-

1. Determined that a zoning hardship did not exist and denied the request of Gene G. Walton for a Zoning Variance to reduce the required off-street parking spaces for an 800 square foot addition to an office building at 318 West Pine Street in an area zoned R-C-P, Residential-Commercial Professional.
2. Conditionally approved the request of John Giannoni, on behalf of Search Development and Real Estate, Inc., for a Use Permit to construct a retail shopping center and office complex at 1110 West Kettleman Lane (i.e. southeast corner of Kettleman and Ham Lanes) in an area zoned P-D (15), Planned Development District No. 15.
3. Conditionally approved the request of Loel Foundation for a Use Permit for a one-day circus at 333 South Lower

COMMUNICATIONS

CITY CLERK

LODI CABLE
TV TO INCREASE
OVERHEAD RATE

City Clerk Reimche presented a letter from Lodi Cable TV advising that the \$9.00 rate for overhead service will be increased to \$9.50 effective May 1, 1984.

PHAWNDA
COCHRAN
RESIGNS
LODI ARTS
COMMISSION

City Clerk Reimche announced the resignation of Phawnda Cochran from the Lodi Arts Commission.

City Clerk Reimche presented the following application for Alcoholic Beverage License:

ABC
LICENSES

Ali Ahmed O.
Ali Bros. Island Goods and Groceries
505 East Lodi Avenue
Lodi, California, CA. 95240
Off Sale Beer and Wine

COMMENTS BY
CITY
COUNCIL
MEMBERS

Mayor Pro Tempore Snider expressed sincere appreciation to Council Member Pinkerton and to the members of the UDID Committee for the many hours of time and effort they had expended toward the formation of the downtown assessment district.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

CITIZEN
COMPLAINT
RECEIVED RE
SHIRTSLEEVE
SESSIONS

Mrs. Barbara Lea, 448 Almond Drive, Lodi addressed the Council expressing her opinion that she felt the City Council Informal Informational (Shirtsleeve) Meetings were unfair to the citizens of Lodi. Council discussion followed with questions being directed to Staff and to Mrs. Lea. No action was taken by the Council on the matter.

REPORTS OF
THE CITY
MANAGER

REGULAR
CALENDAR

Council was apprised that in October 1976, the City purchased the subject parcel as part of the southerly portion of the future C-2 Basin. Under the drainage plan in effect at the time, this purchase was the first of five parcels to be acquired for the ultimate basin. It was purchased at that time for the installation of major storm lines and sanitary sewer trunk lines which were being extended across the freeway to Beckman Road. The Parcel was purchased from the following parties:

S/ _____
Bruce P. Towne

S/ _____
Helen H. Towne

S/ _____
H. D. Towne

S/ _____
Lucille P. Towne

S/ _____
George C. Wilson

S/ _____
Dixie M. Wilson

REQUEST TO
PURCHASE CITY'S
PARCEL SOUTH
OF KETILEMAN
LANE

S/ _____
Leslie D. Focacci

S/ _____
Connie J. Focacci

S/ _____
Richard Focacci

The property was purchased after the City secured an appraisal. As with all City purchases for public use, the acquisition was under the City's powers of eminent domain. The purchase price was \$22,050 and City paid all title, escrow and recording fees.

In April of 1979, the City Council changed the concept of the C drainage area thus eliminating the need for the C-2 Basin. It is felt that it is important, however, to point out that if the City should completely develop within its old general plan limits and should wish to further expand, that the logical area for future expansion of the City is east of the freeway and south of Kettleman Lane. The best location for a future basin, due to the existing storm lines, would be the location of the originally proposed C-2 Basin.

Since 1982, the City has received 2 requests to purchase this property. These requests were received from the following parties:

1. Cherokee Memorial Park (request received Jan. 1982 ±)
2. Tindell Ranch Associates (request received Feb. 4, 1982, and signed by Bruce Towne.)

It appears that the City Council has three options. They are as follows:

1. Sell the subject parcel;
2. Give a long-term lease on the subject parcel;
3. Do nothing.

If the City Council determines it is in the best interest to sell the subject parcel, the City Attorney has found that there is no actual requirement that the City go to bid as we did on the Scenic Overlook. Therefore, if the parcel is to be sold, the City can sell the property to the party of their choice at present market value, or the City can receive bids as was done for the Scenic Overlook. Unless the property is going to be sold back to the same 9 parties that it was originally purchased from, it is felt that the City should consider going out to bid on the property. In either case, the present value should probably be established by an appraisal.

If the property is to be sold, the appropriate public utility easement covering to 36" storm drain and 24" sanitary sewer line would have to be retained. Due to the size and depth of these lines, it is recommended that the width of this easement be 30' as depicted on an exhibit presented to Council.

A lengthy discussion followed with questions being directed to Staff. Council Member Murphy then moved to authorize the obtaining of an appraisal of the subject property, and once that appraisal is received to put the property up for bid. The motion was seconded by Council Member Reid. The motion failed to carry by the following vote:

Ayes: Council Members - Murphy and Reid

Noes: Council Members - Pinkerton and Snider

Abstain: Council Members - None

Absent: Council Members - Olson

Following additional discussion, Council Member Murphy then moved that Staff be authorized to obtain an appraisal on the City owned 4.7 acre parcel located one half mile south of Kettleman Lane. The motion was seconded by Council Member Pinkerton. The motion carried by a unanimous vote of all Council Members present.

U 528
REQUEST TO
OBTAIN EASEMENT
FROM MR. BATCH
WHICH EASEMENT
IS NECESSARY
FOR THE
DEVELOPMENT
OF LOBAUGH
MEADOWS

Council was presented with the following letter which had been received from Kenneth Glantz of Glantz-Deimler-Dorman:

"The Honorable City Council
City of Lodi
City Hall
221 W. Pine Street
Lodi, CA 95240

Re: Storm Drainage Easement for 48" pipeline
Mills Avenue to G-South Basin

Dear Council Members,

The City of Lodi does not presently have a right of way or an easement for the proposed 48" Storm Drain trunk line between Mills Avenue and the proposed G-South Basin. The physical location of the existing main sanitary sewer interceptor and a P.G. & E. power pole line have necessitated the acquisition of a new easement 20 feet in width, the centerline of which would be located 20 feet south of the centerline of Century Boulevard. This easement would be located on the Delmar Batch property, but is within the Adopted Specific Plan right of way for the future Century Boulevard.

In accordance with established City policy, the developers of "The Meadows" have initiated and diligently pursued attempts at negotiating with Mr. Batch to acquire the necessary easement. Initially we met with Mr. Batch and two city staff members at City Hall on February 3 to discuss our easement needs and also to determine his farming schedule so that we could dovetail our construction schedule with his. This scheduling discussion included the excavation of the drainage basin as well as the installation of the pipeline. It was agreed at this meeting that we could schedule our construction between the time of current crop harvest (estimated as March 15) and new crop planting (estimated at June 1, 1984). Although our initial meeting, and all subsequent discussions have been friendly and amiable, it has now become apparent that we are not going to come to a negotiated settlement with Mr. Batch within the time frame that is dictated by both his farming and our construction schedule.

After our first discussions at City Hall, I personally met with Mr. Batch on the job site on February 16 to define and locate, in the field, our specific needs and to discuss possible effects on his farming operations. Also, I talked with Mr. Batch's attorney, Mr. John Cammack of Stockton on February 16 and February 23 regarding our offer and Mr. Batch's concerns. I talked with Mr. Batch by telephone on five (5) occasions between February 23 and March 27 in attempts to set a specific meeting time for settlement of the issue. I have also left calls on two occasions in that

Continued April 4, 1984

I no longer feel that Mr. Batch is dealing in "good faith" and I also feel that we are quickly approaching the time that we can no longer accomplish the construction on a schedule that is compatible to Mr. Batch, my client, and the City of Lodi.

Consequently, I respectfully request that the City initiate emergency condemnation proceedings for immediate possession of the required easement.

My client, J. W. Properties hereby commits to the financing of such proceedings with the stipulation that these costs be considered as a part of the construction costs of the storm water outfall line.

It is my intent to make one more last ditch effort to reach an agreement with Mr. Batch prior to the City Council meeting of Wednesday, April 4th. However, time is of the utmost importance in this matter, and if I again receive a non-responsible reaction from Mr. Batch, I strongly urge the Council to honor our request for condemnation proceedings to commence at the earliest possible time.

Very truly yours,

s/Kenneth H. Glantz"

A lengthy discussion followed with questions being directed to Staff.

On motion of Council Member Pinkerton, Murphy second, Council authorized that an appraisal be made of the Batch property for which a storm drainage easement for a 48' pipeline is being proposed.

City Manager Graves presented the following letter which had been received from Pete Saco, Athletic Director, Lodi High School:

REQUEST FROM "Henry Graves, City Manager
LODI HIGH SCHOOL City of Lodi
ATHLETIC 221 West Pine
DEPARTMENT TO Lodi, CA 95240
WAIVE STADIUM
TAX FOR GALT
ALUMNI FOOTBALL
GAME TO BE HELD
AT THE LODI
GRAPE BOWL

Dear Mr. Graves:

This letter is being written in regards to the use of the Lodi Grape Bowl on May 12, 1984 for a Lodi - Galt Alumni Football Game to raise funds for the Athletic Departments at the two high schools.

The event was held at Galt High School last year and there has been some pressure to play the game this year in Lodi. The problem that we are faced with is the cost to use the Grape Bowl. We will definitely pay for the cost to set up the field, use of the lights and any other costs that are incurred to use the field.

We would like if at all possible to have the stadium tax of \$.35 per person waived for this event. This tax would cut very severely into the profit and dampen our chances of having a totally successful game.

Please call me at 369-7411, ext. 284, if I can answer any questions or talk to you about this matter in more detail. We need a reply as soon as possible to complete arrangements for the game.

Sincerely,

s/Pete Saco
Athletic Director

2571
3532
DEVELOPMENT
AGREEMENT 2001
AND 2009 COCH-
RAN ROAD APPRVD

Following discussion, Council, on motion of Council Member Pinkerton, Murphy second, authorized the use of the Lodi Grape Bowl for the Galt Alumni Football Game at a flat fee of \$400.00 for which they will receive the football field, lines, use of the down markers, lights, P.A. system, and cleanup.

Following introduction of the matter, Council, on motion of Council Member Pinkerton, Reid second, approved the development agreement for 2001 and 2009 Cochran Road, and authorized the City Manager and City Clerk to execute same on behalf of the City. Council was apprised that the City has acquired right-of-way from the Nielsen and Lewis parcels in exchange for improvements which will be done along Cochran Road in conjunction with Mr. and Mrs. Paul's development.

2571
2572
EXTENSION OF
BID OPENING
DATE FOR
ASPHALT
MATERIAL BIDS
APPROVED

Following introduction of the matter by Staff, Council, on motion of Council Member Pinkerton, Reid second, extended the opening date for receipt of bids for Asphalt Materials to Tuesday, April 17, 1984.

2548
2535
LODI STREET
DESIGN STANDARDS
REVISED
RES. NO. 84-043

Following introduction of the matter by City Manager Graves and City Attorney Stein, Council, on motion of Council Member Pinkerton, Reid second, rescinded the introduction of Ordinance No. 1309 and adopted Resolution No. 84-043 - "Resolution of the City Council of the City of Lodi revising the City of Lodi's Street Design Standards".

ADJOURNMENT

There being no further business to come before the Council, Mayor Pro Tempore Snider adjourned the meeting at approximately 11:20 p.m. to Tuesday, April 17, 1984 at 8:00 p.m.

Attest:

Alice M. Reimche
Alice M. Reimche
City Clerk